

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STATE OF GEORGIA,

Plaintiff,

v.

THE UNITED STATES ARMY
CORPS OF ENGINEERS; FRANCIS J.
HARVEY, in his official capacity as
Secretary of the United States Army;
JOHN P. WOODLEY, JR., in his
official capacity as Assistant Secretary
of the United States Army for Public
Works; LIEUTENANT GENERAL
CARL A. STROCK, in his official
capacity as Commander and Chief of
Engineers, United States Army Corps of
Engineers; BRIGADIER GENERAL
MICHAEL J. WALSH, in his official
capacity as Division Commander, South
Atlantic Division, United States Army
Corps of Engineers; and COLONEL
PETER F. TAYLOR, JR., in his official
capacity as District Commander, Mobile
District, United States Army Corps of
Engineers,

Defendants.

Civil Action

File No. 1:06-CV-1473

**ORDER GRANTING MOTION OF THE STATE OF GEORGIA FOR
TEMPORARY RESTRAINING ORDER AGAINST THE UNITED STATES
ARMY CORPS OF ENGINEERS' INTERIM OPERATIONS**

Upon consideration of the Motion of the State of Georgia for Temporary Restraining Order Relating to the United States Army Corps of Engineers' Interim Operations and its supporting brief, the Army Corps of Engineers is hereby ORDERED:

(1) To release from the ACF Reservoirs (as defined below) no more water than necessary for the water flow in the Apalachicola River at Chattahoochee, Florida, as measured by U.S.G.S. Gage # 02358000 ("the Chattahoochee Gage"), to average 5,000 cubic feet per second ("cfs") on a daily basis. The Corps shall make every reasonable effort to average 5,000 cfs per day and, to the extent possible, make the running average flow at the Chattahoochee Gage from the date of this order 5,000 cfs. If Basin Inflow (as defined by the Corps' March 7, 2006 letter to U.S. Fish & Wildlife Service initiating the formal Section 7 ESA consultation) of the ACF Basin system is less than 5,000 cfs, then the Corps need not average 5,000 cfs on a daily basis, but cannot exceed 5,000 cfs on a daily basis. This provision shall terminate upon the earlier of (a) a further order of this Court, or (b) a determination by the Corps, made in good faith, that Lake Lanier has returned to an elevation of 1067.62 and each of Lake West Point and Lake Walter F. George is in Zone 2 under the Corps current operational procedures;

(2) To release to the State of Georgia and the other parties to this litigation, within twenty-four hours, all of the input data necessary for the State of Georgia to replicate, assess and analyze the Corps' HEC-5 model of its ACF reservoir operations; and,

(3) To verify, within forty-eight hours, the accuracy of all of the gages that measure inflow into the ACF Reservoirs and to report to this Court and to each of the parties the results of such a verification. The Corps shall also use its best efforts to have the United States Geological Survey, within a reasonable time, verify the accuracy of the Chattahoochee Gage and any other gage that the Corps uses to regulate the operations of the ACF Reservoirs.

For purposes of this Order, "ACF Reservoirs" shall include Lake Sidney Lanier, West Point Lake, Lake Walter F. George (a.k.a., Lake Eufala), and Lake Seminole.

DONE and ORDERED this ____ day of _____, 2006.

United States District Judge